

ESSAY

HIGHER EDUCATION FOR HAREDIM IN ISRAEL

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ABSTRACT

Over the past two decades a number of Israeli institutions of higher education have opened gender-segregated programs for the ultra-Orthodox, or haredim. The growth of these programs has generated an intense debate in Israel, reflected throughout Israeli media and in several appeals to Israel's Supreme Court. The issues raised concerning gender-segregated higher education reflect an overarching inquiry that is of great interest to multicultural theoreticians: the relationship of liberal democracies to their illiberal minorities. Multicultural theoreticians agree that healthy democracies must tolerate some illiberal practices while acknowledging that not every illiberal practice can be tolerated. In the case at hand, the essay addresses the question: can a liberal democracy tolerate gender-segregated higher education? Using work by Charles Taylor, Michael Walzer, Kwame Anthony Appiah, John Inazu, and others, the essay reviews the arguments for and against gender segregation in higher education for Israeli haredim. The essay explores the limits of toleration of illiberal cultures within liberal democratic societies and finds crucial the right to exit such a culture—a right whose viability is dependent upon adequate education. The essay concludes by discussing the multiculturalism organization development model and what has been termed the *manyness* and *messiness* of multiculturalism.

KEYWORDS: multiculturalism, Israel, gender, higher education, democracy, liberalism, minorities

The ultra-Orthodox, or haredim, in Israel have traditionally avoided academic studies. Academia, with its encouragement of criticism, skepticism, and multiple truths, is seen as undermining the primary governing force of Orthodox life: a belief in and conformance to divine law. Haredim have also objected to academia because of its “immodest” atmosphere—that is, coeducation. Haredi culture separates the sexes in all educational frameworks; thus, educational programming that has men and women studying together is deemed inappropriate by haredi rabbinic leaders.

Over the past two decades, a number of institutions of higher education have opened gender-segregated programs for haredim. These programs have the support of Israel's Council for Higher Education, which very much welcomed the opening of the academy's gates to this previously underserved population.<sup>1</sup> Significant numbers of haredim have enrolled in gender-segregated

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1 The issue of whether or not the State ought to sanction gender segregation in higher education affects both private and public academic institutions, as all Israeli institutions of higher education are regulated and accredited by

higher education, showing that haredim are able to negotiate the traditional philosophical opposition to academia once the bar of “immodesty” has been removed.

### SUPREME COURT CHALLENGES TO SEGREGATED HIGHER EDUCATION

The growth of haredi tracks at Israel’s colleges has generated an intense debate in Israel. Deliberations of the Council for Higher Education on this matter are extensively covered throughout Israeli media. Israel’s Supreme Court, in several cases that have come before it over the past decade, has been asked to rule on the legality of gender-segregated “haredi tracks” in higher education. The petitioners, who express their support for diversity, are unsympathetic to arguments that haredi culture requires gender separation, claiming instead that segregation is by nature discrimination and has no room in a liberal democracy. Drawing upon the work of Susan Okin and others,<sup>2</sup> the petitioners point out that women’s rights are often trampled under the guise of multiculturalism, and they fear that segregation in higher education will lead to discrimination against women.

The issues raised concerning segregated higher education in Israel reflect a larger overarching inquiry that is of great interest to multicultural theoreticians: the relationship of liberal democracies to their illiberal minorities. Multiculturalism tries to “accommodate the different identities, values, and practices of both dominant and non-dominant cultural groups in culturally diverse society.”<sup>3</sup> Multicultural theoreticians agree that healthy democracies must tolerate some illiberal practices while acknowledging that not every illiberal practice can be tolerated. Where the lines should be drawn between tolerable and intolerable practices varies with the specific democratic state in question, and boundaries are frequently tested. For example, should (and if so, how) a liberal democratic state adjudicate issues such as whether Muslim women be allowed to wear burkas in public, or whether Mormon men may practice polygamy, or whether Amish children be exempt from attending high school, or whether ultra-Orthodox Jewish children be required to take a minimum number of hours in secular subjects?<sup>4</sup> And in our case here: Can a liberal democracy tolerate gender-segregated higher education?<sup>5</sup>

We note that the groups that have petitioned the Israeli Supreme Court against segregated higher education are key watchdogs for minority rights and for women’s rights. These groups are essential to protecting democracy, which constantly needs such watchdogs. We maintain, though, that segregated education does not endanger liberal democracy but instead makes higher education

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Israel’s Board of Higher Education. The difference between public and private institutions of higher education is that only the former receive government funding.

- 2 Susan M. Okin, “Feminism and Multiculturalism: Some Tensions,” *Ethics* 108, no. 4 (1998): 661–84; Susan M. Okin, “Is Multiculturalism Bad for Women?,” in *Is Multiculturalism Bad for Women?*, ed. Joshua Cohen, Matthew Howard, and Martha C. Nussbaum (Princeton: Princeton University Press, 1999), 7–24; Susan M. Okin, “Multiculturalism and Feminism: No Simple Questions, No Simple Answers,” in *Minorities within Minorities: Equality, Rights and Diversity*, ed. Avigail Eisenberg and Jeff Spinner-Halev (Cambridge: Cambridge University Press, 2005), 67–89; Amy R. Baehr, ed., *Varieties of Feminist Liberalism* (Lanham: Rowman & Littlefield, 2004).
- 3 Michael Murphy, *Multiculturalism: A Critical Introduction* (London: Routledge, 2012), 6.
- 4 In the latter case, New York State has decided that it is in fact within its purview to monitor the secular education of ultra-Orthodox schools; it is in the process of on-site inspection of these schools, a process that is estimated to conclude by December 2020.
- 5 See Neil Burtonwood, *Cultural Diversity, Liberal Pluralism and Schools: Isaiah Berlin and Education* (London: Routledge, 2012).

accessible—for the first time—to a significant sector in Israeli society, thus ultimately facilitating democratic values and enfranchising more people into the democratic system.<sup>6</sup>

The Supreme Court challenges against gender-segregated higher education can be categorized into the following three main arguments:

1. In the absence of segregated higher education, haredim would attend gender-segregated programs.

The petitioners argue that economic realities will ultimately force more and more haredim into higher education. Haredi women are expected to be the primary wage earners in their families while their husbands study Torah, and work is becoming more socially acceptable for haredi men, especially if they are married and have a few children. In short, say the petitioners, haredim need higher education because they want to be gainfully employed. By necessity, haredim will attend integrated higher education if that is their only option; should the State, on the other hand, provide haredim with segregated options, haredim will study in those frameworks. If the gender-integrated classroom is a liberal goal, helping to facilitate segregated classrooms completely undermines that goal.

2. Segregated education violates the key democratic principle of equality.

The 1954 landmark United States Supreme Court's *Brown v. Board of Education*, which ruled against education that is "separate but equal," is a touchstone for opponents of gender segregation in Israeli higher education. Just as the US Supreme Court found large public-funding disparities between white and black schools, the petitioners against segregated higher education in Israel argue that inevitably women's programs will receive fewer resources than men's, claiming that Israel is not immune from the worldwide bias against women that privileges men's education and accomplishments.

The petitioners argue that gender equality in the public sphere is a non-negotiable democratic principle. While gender inequality within the private religious sphere can be tolerated (such as male-only clergy), once in the public sphere, say the petitioners, gender segregation cannot be tolerated. The petitioners note that exceptional treatment for the haredim by way of public segregated higher education is especially unwarranted. They point out that in Israel's parliamentary system, relatively small political parties (such as the haredi parties) often have outsized power, as the largest parties jockey to form coalition governments and turn to the smaller parties to round out their majorities.<sup>7</sup> It is thus often the case that the haredim are overly represented in the ruling Cabinet and in key government jobs in the various ministries, and that they receive disproportionately large funding for their schools.

3. Legalizing public segregated higher education will just embolden the haredim to continue seeking segregation in other areas of life, which often comes at the expense of women's rights.

Israeli society over the past few years has witnessed more and more attempts by the Orthodox and haredi sectors to impose gender segregation in the public sphere; e.g., on public transportation, at army ceremonies, at public libraries, and even on public sidewalks. The petitioners maintain that putting the State's imprimatur on segregated higher education will encourage the more conservative

6 Making higher education accessible to a broad Israeli public is crucial to the institution at which we serve, Ono Academic College. Gender-segregated academic programs have thus long been offered by the college, and for this reason the school has been targeted by the Supreme Court petitioners.

7 Israel's Supreme Court has ruled that the haredi public is not considered a "minority group," even though the size of the group is only 13 percent of the total Israeli population. This is because in the opinion of the Court, the definition of a minority is not tied to numerical issues but rather to political power. Due to the great rise in political power of the haredim over the past few decades, the Court believes that the haredim do not need protection as a minority group. See, for example, the opinion of Justice Amit in HJC 1877/14, paragraph 2 of the judgment.

elements of the haredi community to work for ever greater segregation—and make it more difficult to stymie these efforts.

#### THE CASE FOR GENDER-SEGREGATED HIGHER EDUCATION IN ISRAEL: REBUTTAL OF ARGUMENTS AGAINST SEGREGATION IN HIGHER EDUCATION

Although the arguments against gender segregation have merit, when broadly considering Israeli society as a whole, they are not determinative. To understand why, it is necessary to reexamine each of the three objections adduced above.

##### *Haredim in Israeli Higher Education*

The claim that haredim would, in the absence of other options, grudgingly attend gender-integrated programs is not substantiated by any evidence. On the contrary, what the evidence shows is both that large numbers of haredim will avoid higher education if gender-segregated classes are not offered them, and that segregated higher education attracts many haredim into academia. The numbers speak volumes: In 1999, before the rise of haredi segregated tracks, 560 haredi students were enrolled in higher education; in 2016, there were 9,400. Until segregated higher education, haredi men, just like haredi women (with token exceptions here and there that only prove the rule) did not attend college or university. Neither haredi men nor haredi women dared disobey their rabbis.<sup>8</sup>

Gender segregation in education is a bedrock principle of haredi culture; it cannot be ignored or wished away. What makes this principle non-negotiable? One theory suggests that the segregation is related to the intimacy involved in the traditional two-person study group (known as a *bevruta*). Such study groups constitute the backbone of yeshivah learning, where frontal lectures are rare. Though unwanted intimacy is a danger in the workplace, and though *bevrutot* are not common in higher education, the categorical opposition of haredim to coeducation likely stems from this linkage of intimacy and education.

Once we understand that gender segregation in education is a key feature of haredi culture, we need to recall a basic premise of multiculturalism: “every person has the right to her own culture and not merely to culture in general.”<sup>9</sup> The following conclusion thus becomes inescapable: for Israel *not to* offer haredim segregated higher education would constitute discrimination against haredim. It also follows that the petitioners’ argument, that were the state to hold the line against segregation the haredim would be forced to capitulate, is patently unethical. Why? Because the right to one’s own culture “is basic and primary, and so it is not restricted to cases in which an unprotected minority would be left without any culture at all but is applicable *even in cases where the members of the minority group would lose their own culture and be compelled to assimilate*.”<sup>10</sup> Haredim have a right to their culture, and a cornerstone of haredi culture is gender segregation in education.

8 Not one major haredi *posek* (rabbinic legal decisor) permits coeducation. The two greatest Ashkenazic and Sephardic *poskim* of the twentieth century, respectively, Rabbi Moshe Feinstein (1895–1986) and Rabbi Ovadia Yosef (1920–2013) ruled that observance of *halakha* mandates complete gender segregation in education. No haredi *posek* of this generation has challenged this ruling.

9 Avishai Margalit and Moshe Halbertal, “Liberalism and the Right to Culture,” *Social Research* 61, no. 3 (1994): 491–510, at 506.

10 Margalit and Halbertal, “Liberalism and the Right to Culture,” 506, emphasis added.

A different way to speak about the “right to culture” is to consider what K. Anthony Appiah has called “collective social identities,”<sup>11</sup> variously based on religion, gender, ethnicity, race, and sexuality. These social identities demand recognition and rights, and Appiah discusses the interplay between identities:

Each person’s individual identity is seen as having two major dimensions. There is a collective dimension, the intersection of their collective identities, and there is a personal dimension, consisting of other socially or morally important features—intelligence, charm, wit, cupidity—that are not themselves the basis of forms of collective identity.<sup>12</sup>

Liberal democracies, in recognizing the intrinsic worth of human beings, should provide recognition both for an individual’s collective and personal dimension. If Israel is to acknowledge the worth of haredi culture, it needs to allow haredim access to higher education.

A final point to note here is that the goal of students in gender-segregated programs in higher education is to acquire skills that will enable them to enter the workforce. Gender segregation is thus not an end unto itself but the means that enables haredim to join the labor market. And it turns out that most haredi graduates of segregated programs in higher education find employment within integrated work environments. If an ultimate goal of the petitioners is a thriving Israeli society where men and women from all backgrounds work together, this objective is met—and for haredim, it can only be met—through gender segregation in higher education. While there are some who might see a contradiction between the strong haredi objection to coeducation and the fact that many haredim work in gender-integrated environments, haredi culture tolerates this situation. Here as elsewhere, one does not have to agree with haredim in order to argue for their “right to culture.”

### *Equality and Segregated Education*

Various studies from the United States have shown that at private institutions of higher education, gender segregation is no bar to excellence. Such gender segregation for women still exists at five of the elite “Seven Sister” colleges (Barnard, Bryn Mawr, Mount Holyoke, Smith, and Wellesley), colleges that have produced many outstanding women leaders. Although the need that gave rise to such colleges in the United States has lessened, as more elite, formerly all-male institutions have admitted women (fifty years ago there were 230 women’s colleges and today there are just 34), the need for gender segregation in Israel is significant: The only way that Israel’s women haredi population can access higher education is through gender segregation.

The charge that gender segregation will lead to inferior women’s education is not borne out in relevant research studies. While there is much debate among social scientists concerning whether or not girls and women do better in gender-segregated programs (especially since “it is difficult to systematically compare single-sex and coeducational schools or classes”<sup>13</sup>), few take the position of

11 Kwame Anthony Appiah, “Identity, Authenticity, Survival: Multicultural Societies and Social Reproduction,” in *Multiculturalism: Examining the Politics of Recognition*, ed. Amy Gutmann (Princeton: Princeton University Press), 149–63, at 150.

12 Appiah, “Identity, Authenticity, Survival,” 151.

13 Emer Smyth, “Single-Sex Education: What Does Research Tell Us?” *Revue Française de Pédagogie* 171 (April–June 2010): 47–55, at 53.

the petitioners—that such schooling is *detrimental*.<sup>14</sup> Advantages to girls and women of single-sex education depend upon whether or not the particular subject being studied is gender stereotyped; for example, if boys are supposed to be better in math, girls' math scores in mixed classes will typically be lower than girls in single-sex classes. Another factor concerning whether or not single-sex education will prove more beneficial for girls and women is tied to cultural background. Those coming from traditional societies, where women's voices are muted, will tend to do better in single-sex education, suggesting that gender-segregated higher education is more advantageous to haredi women than coeducation.

It is true that public funds have historically privileged men's programs over women's programs, but this does not mean that all gender-based programming has to be detrimental to women. The United States offers a robust example of how more equity can be legislated: Thanks to the 1972 legislation known as Title IX, federal funding for sports programming, as well as all other educational programs and activities, must be gender equitable. However, universities are regularly charged with privileging men's sports programming, and only with ongoing vigilance is Title IX equitably implemented. The fact that gender segregation *can* lead to the disproportionate allocation of public funds to men, therefore, does not mean that this *must* be so; what it means is that vigilance is required concerning any dedicated programming for girls and women.

### *The Haredi Illiberal Minority in Israel*

In discussing the haredi illiberal minority in Israel, we take as our departure point the following observation from the philosopher Charles Taylor:

[I]t is reasonable to suppose that cultures that have provided the horizon of meaning for large numbers of human beings, of diverse characters and temperaments, over a long period of time—that have, in other words, articulated their sense of the good, the holy, the admirable—are almost certain to have something that deserves our admiration and respect, even if it is accompanied by much that we have to abhor and reject.<sup>15</sup>

There is no question that haredi culture has “provided the horizon of meaning for large numbers of human beings,” and we agree with Taylor that it therefore “deserves our admiration and respect.” Concerning the *particular* demands of this minority community from the larger society, we ask two different questions: (1) do I respect these demands? (2) can my liberal democracy tolerate these demands?

There is a surprising, clear answer to the second question regarding the particular demand for segregated education: Israeli society *already* fully tolerates the demand for segregated education: A large percentage of Israeli schoolchildren, from national-religious and haredi sectors, attend gender-segregated public schools. The State subsidizes gender-segregated education at all four “lower” levels: prekindergarten, kindergarten, primary, and secondary education.<sup>16</sup> Anyone arguing that

14 See Erin Pahlke, Janet Shibley Hyde, and Carlie M. Allison, “The Effects of Single-Sex Compared with Coeducational Schooling on Students' Performance and Attitudes: A Meta-Analysis,” *Psychological Bulletin* 140, no. 4 (2014): 1042–1072; M. Talha Yalcinkaya and Ayse Ulu, “Differences between Single-Sex Schools and Co-Education Schools,” *Procedia—Social and Behavioral Sciences*, no. 46 (2012): 13–16.

15 Charles Taylor, “The Politics of Recognition,” in Gutmann, *Multiculturalism*, 25–73, at 72–73.

16 This is part of the status quo arrangement of religion and state in Israel that was established in 1947. See Daphne Barak-Erez, “Law and Religion under the Status Quo Model: Between Past Compromises and Constant Change,” *Cardozo Law Review* 30, no. 6 (2009): 2495–2507.

gender segregation leads to substandard education for girls and women would have to argue in favor of overturning this well-established state support of gender segregation in Israeli schools.

Others argue that because Israeli democracy is not robust (for example, there is no separation of religion and state), segregated public higher education may act as a slippery slope toward more segregation in the public sphere. This fear, that the haredim will use—and in fact do use—their political power to lobby for more and more illiberal concessions, is justified, but it cannot be used as a reason to deny haredi women and men a higher education. Liberal democracies face many antagonists, including gender segregationists. Just as the abuse of freedom of speech, for example, does not mean that such freedom should be eliminated, haredi attempts to impose blanket gender segregation in public life does not mean that gender segregation has no place in a liberal democracy.

The petitioners also do not seem to allow for the possibility that the slippery slope may act more like a seesaw: while it is true that public segregated higher education concessions may lead to demands for more concessions, it can also be true that the more there are segregated studies, the more haredim will be exposed to the possibilities of higher education, furthering democratic values in Israeli society.

The petitioners claim that they are defending women, and we do not doubt their intentions. However, they do not accept that what is available for some women in some cultures—the ability to choose between many different kinds of education—is not available to all women. Feminism teaches us of the need to understand privilege and power.<sup>17</sup> Power in the haredi community lies primarily with the rabbinic leadership. The fact that this haredi power is in the hands of men does not mean that all haredi men have power.<sup>18</sup> Segregated higher education, therefore, is as much a necessity for haredi men as it is for haredi women—without it, all haredim are denied higher education.

#### THE LIMITS OF TOLERATION: TWO QUESTIONS

Not everything practiced by an illiberal minority can be tolerated by a liberal democracy, and so multicultural theorists are always mindful of the limits of toleration. In thinking about a liberal democracy's constraints regarding respecting an illiberal minority culture, two key questions need to be addressed: (1) Do people from other cultures have to pay a price if the majority society tolerates the practice in question? (2) Do people from within the culture have to pay a price if the majority society tolerates the practice in question?

Concerning gender-segregated education in Israel, it is clear that toleration exacts no price from any social group beyond the haredim.<sup>19</sup> This is so because coeducational programming will

17 Carol Gilligan, *In a Different Voice: Psychological Theory and Women's Development* (Cambridge: Harvard University Press, 1982); Carol Gilligan, *Joining the Resistance* (New York: Vintage, 2011); Jean Baker Miller, *Toward a New Psychology of Women* (Boston: Beacon Press, 1976).

18 Interestingly, it has been argued that feminism has failed to attract large numbers of men because it has promulgated the message that *all* men have power rather than that all power lies with men. See Michael S. Kimmel "Men's Responses to Feminism at the Turn of the Century," *Gender & Society* 1, no. 3 (1987): 261–83; Michael S. Kimmel, *Angry White Men: American Masculinity at the End of an Era* (New York: Nation Books, 2017).

19 Gender segregation does have the potential to discriminate against women faculty. This is because according to the haredi reading of Jewish law, men may serve as teachers to either sex, whereas women may only teach women. To avoid such discrimination, institutions of higher education are free to adopt the following policy (and, in fact, this is the policy of Ono Academic College): there shall be only women faculty for women students and only men faculty for men students.

continue to be readily available to the general public, and individuals may freely choose to attend either segregated or mixed classes. In other areas, segregation does impinge upon the broader public. For example, if a municipality is contemplating offering gender-segregated hours at a public pool, those citizens who do not require segregation will find that the hours available to them have been curtailed. Similarly, closing off roads surrounding ultra-Orthodox communities on the Sabbath may force other citizens to take more circuitous routes to their destinations. There are many other areas where implementation of segregation is a zero-sum game: when you provide for segregation you take away from those who object to or do not require segregation. This is decidedly *not* the case with higher education.

Regarding the second question above, the appellants argue that haredi women are indeed harmed by segregated higher education. They argue that when there is segregation, the level of education is always different for men and women—and women inevitably receive an inferior education. (We rebutted this charge in “equality and segregated education” above.) While it is clear that sometimes women do receive an inferior education when there is segregated programming, this does not mean that this inferior differential *must* take place.

It is a mistake to compare the segregation of men and women in Israeli higher education with the segregation of white and black people that legally existed in American public schools until the *Brown v. Board of Education* decision. Unlike the former situation, the latter involved coercion and led to the marginalization of black Americans. In our case here, both haredi men and women favor segregation. The appellants argue that the haredi women whom they interviewed told them that ideally they would like to study with men but that if there were widespread segregated programming they would be forced into those. This argument is simply not borne out by the statistics concerning haredi enrollment in higher education. Two decades ago, when there were no segregated options in higher education, very few haredi women enrolled in higher education.

#### THE RIGHT TO EXIT AND HIGHER EDUCATION

A key limit to the toleration of illiberal minorities concerns the right to exit a community; liberal democracies cannot tolerate communal membership that is coerced: “A cultural minority cannot be granted control over its members’ exit. Thus, the Ultra-Orthodox community does not have the right to force its members to remain Ultra-Orthodox, just as the majority culture does not have the right to prevent its members from going over to the Ultra-Orthodox community.”<sup>20</sup> Multicultural theoreticians draw a direct line between the right to exit a culture and education: “[I]ndividuals must have knowledge of alternative ways of life; they must have the capacity to be able to evaluate these alternatives and the psychological freedom to be able to do so; and they must have the ability to participate in another way of life.”<sup>21</sup> The right to exit a culture, in other words, can be exercised only if exiting is a viable option, and this viability is dependent upon education. Scholars have shown, for example, that the reason for the very high retention rates of the Amish (90 percent in some places) even with the Rumspringa practice is that the adolescents who “jump around” are ill equipped to live independently in the “outside” world: “In

20 Margalit and Halbertal, “Liberalism and the Right to Culture,” 508.

21 Burtonwood, *Cultural Diversity, Liberal Pluralism and Schools*, 94.



many ways, Amish youth do not have a real choice because their upbringing and all the social forces around them funnel them toward church membership.”<sup>22</sup>

The importance of education for “the right to exit” also explains why a group called Young Advocates for Fair Education, founded by graduates of ultra-Orthodox schools in New York City, believes (according to its website) that it is imperative that haredi students “receive the academic skills they need in order to pursue lives of economic self-sufficiency with a broad range of opportunities for personal choice and individual fulfillment.”<sup>23</sup> In the absence of adequate education, it does not make sense to talk of youth *choosing* to remain in a traditional illiberal culture.

In Israel, the situation for haredi youth, especially boys, is starker. Whereas nonpublic schools in New York are required by state law to provide an education that is “substantially equivalent” to that of public schools, haredi schools are not held to such a standard; indeed, since 2009, haredi boys high schools are officially exempt from teaching any secular subjects. It follows that if haredim are going to acquire a meaningful right to exit their culture, they are going to have to acquire it through higher education, and given the haredi community’s blanket condemnation of men and women studying together, this means segregated higher education.

#### CONCLUSION: THE MANYNESS AND MESSINESS OF MULTICULTURALISM

*That Supreme Spirit, out of its Unity, creates the infinite Many-ness of Nature; and, at the same time, It imposes Its all-pervading, all-embracing, Unity upon that countless Multitude.*

—Bhagavan Das, *The Essential Unity of All Religions*<sup>24</sup>

In 2016, in language that recalled for me the Indian theosophist Bhagavan Das, John Inazu wrote *Confident Pluralism: Surviving and Thriving through Deep Difference*. At the beginning of the book Inazu writes, “[c]onfident pluralism offers a political solution to the practical problem of our deep differences. Instead of the elusive goal of *E pluribus unum*, it suggests a more modest possibility—that we can live together in our ‘many-ness.’”<sup>25</sup> Elsewhere, co-author Hartman has described living with “deep differences” as living with messiness.<sup>26</sup> Taken together, we have the manyness and messiness —M&M, if you will—of multiculturalism. If people with differences are going to live together—whether these differences (following Appiah’s “collective social identities”) are based on religion, gender, ethnicity, race, or sexuality—“we do better by recognizing difference as something we can’t get past.”<sup>27</sup> Difference is not just a number of equally acceptable alternatives; difference can also be unpleasant and harsh; it can be messy. Both Inazu and Michael Walzer get at this when they speak of the “cacophony” of multiculturalism.<sup>28</sup> Inazu

22 Donald B. Kraybill, *The Riddle of Amish Culture* (Baltimore: Johns Hopkins University Press, 2001), 186.

23 Young Advocates for Fair Education, “About Us,” <https://www.yaffed.org/about>, accessed May 8, 2019.

24 Bhagavan Das, *The Essential Unity of All Religions* (1932; repr, Wheaton: Quest Books Theosophical Publishing, n.d.), 5.

25 John D. Inazu, *Confident Pluralism: Surviving and Thriving through Deep Difference* (Chicago: University of Chicago Press, 2016), 6.

26 Tova Hartman, “I Think I’m of Two Minds,” in *Kolot: Celebrating the Plurality of Jewish Voices*, vol. 2, ed. Shmuly Yanklowitz (Phoenix: Valley Beit Midrash, 2017): 89–96.

27 Abner Greene, quoted in Inazu, *Confident Pluralism*, 7.

28 Inazu, *Confident Pluralism*, 8; Michael Walzer, *On Toleration* (New Haven: Yale University Press, 1997), 96.

sums things up when he writes, “[w]e are stuck with the good, the bad, and the ugly of pluralism.”<sup>29</sup>

Many people working to further multiculturalism have not heeded Inazu’s words and instead envision a convenient “one-size-fits-all” multiculturalism or “diversity in a box.”<sup>30</sup> This is the type of multiculturalism envisioned by the petitioners against public segregated higher education in Israel. This is why they claim that there is one correct way to achieve diversity and that this correct way exclusively involves integrated rather than segregated classes in higher education.

We believe that there is more than one way to achieve diversity. Indeed, a model called multicultural organization development suggests that for multiculturalism to be achieved there must be a “redefining phase” that requires “transitioning from being nondiscriminatory to embracing inclusion, diversity, and equity” to “actively seeking to remove barriers to inclusion.”<sup>31</sup> How can Israeli academia move forward within such a model of multiculturalism, removing “barriers to inclusion”? It must reexamine and redefine the norms for inclusion. The arguments made in Israel until now, both by those for and by those against segregated education, began from a position of coeducation as the accepted norm and view segregation as a departure (whether legitimate or illegitimate) from this norm. However, from the perspective of haredim, coeducation is not a norm but *a barrier to inclusion*. In order for Israeli society to enable a more expansive notion of multiculturalism, it must rethink existing paradigms and, embracing multiculturalism organization development, seek to offer multiple possibilities to inclusion in higher education.<sup>32</sup>

The majority society does not have to embrace segregation; indeed today in Israel, the majority society continues to hold out coeducation as an ideal. But we must ask whether coeducation and multiculturalism have to be opposing ideals. If multiculturalism is to be prioritized (and Israel, with its highly segregated school system, has obviously not made coeducation a priority), Israeli society needs to make segregated higher education available and accessible.<sup>33</sup> In order for Israel to thrive, there needs to be a plurality of educational possibilities.

In sum, the argument for Israel’s liberal democracy tolerating gender-segregated higher education is based on the following:

1. A commitment to multicultural values, which seeks to make goods and services—including higher education—accessible to as wide a population as possible.
2. Utilitarianism. While the majority culture cannot prevent its members from becoming haredi nor can it compel haredim to assimilate, it can and should work to see that all haredim have the right to exit their culture. An excellent way of ensuring this right is through facilitating access to higher education by way of segregated programs.

29 Inazu, *Confident Pluralism*, 6.

30 See Frederick A. Miller and Judith H. Katz, *Inclusion Breakthrough: Unleashing the Real Power of Diversity* (San Francisco: Berrett-Koehler, 2002), 28.

31 Raechele L. Pope, Amy L. Reynolds, and John A. Mueller, *Creating Multicultural Change on Campus* (San Francisco: Jossey-Bass, 2014), 25.

32 This inclusion also applies to other groups in Israel that have traditionally been excluded from higher education, such as people with disabilities, Ethiopian Israelis, Arab citizens of Israel, and people from poor areas known as “the peripheries.”

33 If one takes into account the fact that among Israel’s Arab citizens there are sizeable numbers of students for whom coeducation is also “a barrier to inclusion,” the portion of Israel’s population that prefers gender segregation may be over 30 percent (with Israeli Arabs constituting approximately 20 percent of the population).

There are no legal or ethical constraints to Israel's liberal democracy tolerating segregated higher education. Segregated education does not impinge on anyone's rights in Israeli society: neither those outside the group nor those inside the group suffer negative consequences from segregated education. Most significantly, not enabling segregated higher education inflicts poverty on haredim. A certified college degree is one of the most significant predictors of economic well-being.<sup>34</sup> In the absence of segregated public higher education, the State is effectively telling haredim: Either stay in your own community and stay poor; or, if you want to earn a degree and a living, leave your community.

This is an untenable situation. Haredim do not want to be poor. They want to earn a respectable income, but they wish to be educated in a way that allows them to maintain their cultural values. Haredim study in segregated frameworks from the age of three, and, by cultural definition, mixed classes are simply not acceptable to the vast majority of haredim. Not allowing for public segregated higher education goes beyond not respecting or not tolerating and is just plain discrimination.

A liberal democracy must tolerate certain activities even if it does not like or respect them. It is in the interest of Israel's liberal democracy to tolerate gender-segregated public higher education so that a significant minority will have the opportunity to study, acquire a profession, and then choose a community to call home.

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34 See Alison Doyle, "How Much Is a College Degree Worth?" *The Balance Careers*, June 25, 2019, <https://www.thebalancecareers.com/how-much-is-a-college-degree-worth-2059798>; and see "Higher Education, Less Employment Inequality," Taub Center for Social Policy Studies in Israel, January 30, 2011, <http://taubcenter.org.il/higher-education-less-employment-inequality/>.